

Case 1:07-cv-00119
JUDGE RAKOFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**SEALED
INDICTMENT**

— V. —

07 Cr.

JAIRO GABRIEL MONTOYA HERNANDEZ,

a/k/a "Maximo,"

a/k/a "El Ingeniero,"

JATRO MAURICIO MONTOYA MACTAS.

a/k/a "Mauricio."

a/k/a "Martin "

DR. R. A. MARCIN,
FABIO ALONSO MARTIN DUQUE

ABIO ALONSO MARI
a/k/a "Felipe."

William de Jesus Restrepo Restrepo

WILLIAM DE JESUS

a/k/a "Willy,"
WILITO GECAR RAMIREZ LATINO

JULIO CESAR RAMIREZ
ESTUDIOS MOBILIARIOS MEXICO

ELVARO MORALES MAYA

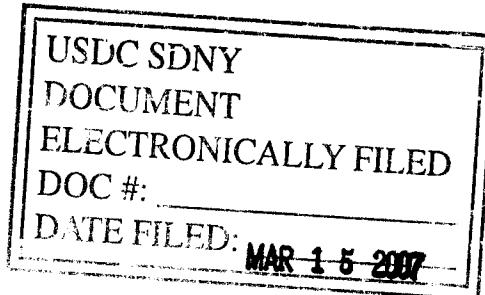
a/k/a "Beethoven,"

a/k/a "El Sordo,"

BEATRIZ EUGENIA RAMIREZ LUGO,

Defendants

07 CRIM. 0197



COUNT ONE

The Grand Jury charges:

1. From in or about 2005, through and including in or about March 2007, in the Southern District of New York and elsewhere, JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," JULIO CESAR RAMIREZ LAINO, ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," BEATRIZ EUGENIA RAMIREZ LUGO, and MARTA OLGA MACIAS DE MONTOYA, the defendants, and others known and unknown, unlawfully,

intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," JULIO CESAR RAMIREZ LAINO, ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," BEATRIZ EUGENIA RAMIREZ LUGO, and MARTA OLGA MACIAS DE MONTOYA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 5, 2006, JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," the defendant, spoke over the telephone with a co-conspirator not

named as a defendant herein ("CC-1"), about transporting a shipment of heroin from Colombia to New York, New York.

b. On or about October 13, 2006, JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," and BEATRIZ EUGENIA RAMIREZ LUGO, the defendants, spoke by telephone about a shipment of heroin from Colombia to New York, New York.

c. On or about March 30, 2006, FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," the defendant, spoke by telephone with MONTOYA MACIAS, the defendant, about approximately 8.2 kilograms of heroin that had been shipped from Colombia to Venezuela for importation into the United States.

d. On or about October 24, 2005, WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," and ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," the defendants, spoke by telephone to negotiate the price per kilogram of heroin.

e. On or about October 31, 2005, JULIO CESAR RAMIREZ LAINO, the defendant, and MONTOYA MACIAS spoke by telephone about a narcotics courier who was transporting heroin.

f. On or about September 27, 2006, MORALES MAYA and MONTOYA HERNANDEZ spoke by telephone to discuss the purchase of a quantity of heroin.

g. On or about August 18, 2006, RAMIREZ LUGO and MONTOYA HERNANDEZ spoke by telephone to discuss a narcotics courier who was transporting heroin from Colombia to the United

States.

h. On or about October 5, 2006, MARTA OLGA MACIAS DE MONTOYA, the defendant, and a co-conspirator not named as a defendant herein ("CC-2"), spoke by telephone to discuss a shipment of heroin that was intended for the United States.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From in or about 2005, through and including in or about March 2007, in the Southern District of New York and elsewhere, JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," JULIO CESAR RAMIREZ LAINO, ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," BEATRIZ EUGENIA RAMIREZ LUGO, and MARTA OLGA MACIAS DE MONTOYA, the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio,"

a/k/a "Martin," FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," JULIO CESAR RAMIREZ LAINO, ALVARO MORALES MAYA, a/k/a "Beethoven," a/k/a "El Sordo," BEATRIZ EUGENIA RAMIREZ LUGO, and MARTA OLGA MACIAS DE MONTOYA, the defendants, and others known and unknown, would and did import into the United States from a place outside thereof, a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 952, and 960(a)(1) & 960(b)(1)(A) of Title 21, United States Code.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about October 5, 2006, JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," the defendant, spoke over the telephone with a co-conspirator not named as a defendant herein ("CC-1"), about transporting a shipment of heroin from Colombia to New York, New York.

b. On or about October 13, 2006, JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," and BEATRIZ EUGENIA RAMIREZ LUGO, the defendants, spoke by telephone about a shipment of heroin from Colombia to New York, New York.

c. On or about March 30, 2006, FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," the defendant, spoke by telephone with MONTOYA MACIAS, the defendant, about approximately 8.2 kilograms of heroin that had been shipped from Colombia to Venezuela for importation into the United States.

d. On or about October 24, 2005, WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," and ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," the defendants, spoke by telephone to negotiate the price per kilogram of heroin.

e. On or about October 31, 2005, JULIO CESAR RAMIREZ LAINO, the defendant, and MONTOYA MACIAS spoke by telephone about a narcotics courier who was transporting heroin.

f. On or about September 27, 2006, MORALES MAYA and MONTOYA HERNANDEZ spoke by telephone to discuss the purchase of a quantity of heroin.

g. On or about August 18, 2006, RAMIREZ LUGO and MONTOYA HERNANDEZ spoke by telephone to discuss a narcotics courier who was transporting heroin from Colombia to the United States.

h. On or about October 5, 2006, MARTA OLGA MACIAS DE MONTOYA, the defendant, and a co-conspirator not named as a defendant herein ("CC-2"), spoke by telephone to discuss a shipment of heroin that was intended for the United States.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

7. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, JAIRO GABRIEL MONTOYA HERNANDEZ, a/k/a "Maximo," a/k/a "El Ingeniero," JAIRO MAURICIO MONTOYA MACIAS, a/k/a "Mauricio," a/k/a "Martin," FABIO ALONSO MARIN DUQUE, a/k/a "Felipe," WILLIAM DE JESUS RESTREPO RESTREPO, a/k/a "Willy," JULIO CESAR RAMIREZ LAINO, ALVARO MORALES MAYA, a/k/a "Bethoven," a/k/a "El Sordo," BEATRIZ EUGENIA RAMIREZ LUGO, and MARTA OLGA MACIAS DE MONTOYA, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that the said defendants obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including, but not limited to a sum of money equal to all proceeds obtained as a result of the narcotics offenses, for which the defendants are jointly and severally liable.

Substitute Asset Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;

- (2) has been transferred or sold to or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853, 846, 970 and 963.)



Madeline Couton
FOREPERSON



MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JAIRO GABRIEL MONTOYA HERNANDEZ,
JAIRO MAURICIO MONTOYA MACIAS,
FABIO ALONSO MARIN DUQUE,
WILLIAM DE JESUS RESTREPO RESTREPO,
JULIO CESAR RAMIREZ LAINO,
ALVARO MORALES MAYA,
BEATRIZ EUGENIA RAMIREZ LUGO,
MARTA OLGA MACIAS DE MONTOYA,

Defendants.

INDICTMENT

07 Cr.

(Title 21, United States Code,
Sections 846 and 963.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Madeline Couton

Foreperson.
